

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JEREMY LEO TINCHER,

Defendant.

CR-20-11-GF-BMM

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on August 9, 2023. (Doc. 73.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on August 8, 2023. (Doc. 69.) The United States accused Jeremy Leo Tinchler, (Tinchler) of violating his

conditions of supervised release 1) by using fentanyl; and 2) by failing to reside at a sober living facility as directed by his probation officer. (Doc. 65.)

At the revocation hearing, Tincher admitted to having violated the conditions of his supervised release 1) by using fentanyl; and 2) by failing to reside at a sober living facility as directed by his probation officer. (Doc. 69.) Judge Johnston found that the violations Tincher admitted prove serious and warrant revocation of his supervised release and recommends a sentence of 7 months, with 14 months of supervised release to follow, with the first 180 days of supervised release in an residential re-entry center. Tincher should participate in an outpatient mental health treatment program as directed by his probation officer. (Doc. 73.) Tincher was advised appeal rights and his right to allocute before the undersigned. (Doc. 69.) The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 73) are **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Defendant Jeremy Leo Tincher be sentenced to the Bureau of Prison for 7 months with 14 months of supervised release to follow, with the first 180 days of supervised release in an residential re-entry center. Tincher should participate in an outpatient mental health treatment program as directed by his probation officer

DATED this 24th day of August, 2023.

A handwritten signature in blue ink, reading "Brian Morris". The signature is fluid and cursive, with the first name "Brian" and last name "Morris" clearly distinguishable.

Brian Morris, Chief District Judge
United States District Court